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10/695,399

10/27/2003

Cheryl Phillips

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10/04/2005

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/695,399 | Applicant(s) PHILLIPS ET AL. | |
| | Examiner Uyen-Chau N. Le | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group I (claims 1-18) in the reply filed on 22 August 2005 is acknowledged.

Claim Objections

2. Claims 9-10, 15 and 18 are objected to because of the following informalities:

Re claim 9, line 2: Substitute "its" with -- the check processing service --.

Re claim 9, line 4: Substitute "it" with -- the check processing service --.

Re claim 10, line 4: Substitute "an accounts" with - an account --.

Re claim 10, line 8: Substitute "the location-base" with - a location-base --.

Re claim 15, line 2: Substitute "the checks" with - the check --.

Re claim 18, line 2: Substitute "its" with -- the check processing service --.

Re claim 18, line 4: Substitute "it" with -- the check processing service --.

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Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-3, 6-11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery (US 6,189,785) in view of Buchanan et al (US 20040133516 A1).

Re claims 1-3, 6-11 and 14-18: Lowery discloses an apparatus for electronically processing a check received by a merchant, comprising scanning component 113 that converts the check into an electronic data comprising an authorization data (i.e., the name and address along with the MICR information) (col. 6, lines 29-43); a storage component having a first capacity that stores for a finite period a plurality of image data associated with a plurality of converted checks thereby allowing a batch conversion of a plurality of accounts receivable checks wherein the storing of the plurality of image data allows corresponding plurality of authorization data to be processed for authorization efficiently by not having to transfer the plurality of the image data to a check processing service 109 that performs the authorization (col. 7, line 23 through col. 8, line 55); wherein the authorization data comprises information associated with the check's magnetic ink character recognition line (i.e., MICR information) (col. 6, lines 29-43); wherein the image data comprises an image of at least a portion of the check (col. 6, lines 29-43); wherein the storage component stores image data corresponding to authorized

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check transactions, and wherein the authorization process includes a risk assessment of the check transaction (col. 7, line 59 through col. 8, line 55).

Lowery is silent with respect to a processor that facilitates a batch uploading of the plurality of image data stored in the storage component to the check processing service wherein the processor initiates the batch uploading in response to a command issued by the merchant; and a user interface component that provides the user with an option that allows the merchant to issue the batch uploading command.

Buchanan et al teaches the initiation of batch transmission of item images to the third processor 240 can be done on a manual basis by either the first processor 200 or system operator or on an automatic basis based on time of day (paragraph [0261]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the batch transmission options of Buchanan et al into the system as taught by Lowery in order to provide Buchanan et al with a more reliable system wherein the user/merchant has the flexibility in choosing the time for uploading/transmitting data, which would provide the user/merchant with a more manageable system (e.g., reconciliation, etc.).

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Allowable Subject Matter

6. Claims 4-5 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of records and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure and method for batch processing a plurality of accounts receivable checks received by a merchant comprising, among other things/steps, suspends processing of unprocessed checks when a level of storage in the storage component exceeds the first capacity/a specified threshold value and prompts the user to issue the batch upload command to transfer the plurality of stored image data to the check processing service, wherein converting of checks is suspended until the stored check image data are uploaded to the check processing service as set forth in the claimed combinations.

The prior art of records to Lowery and Buchanan et al have been discussed above, but is silent with respect to suspending checks processing when a level of storage in the storage component exceeds the first capacity/a specified threshold value

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and prompts the user to issue the batch upload command to transfer the plurality of stored image data to the check processing service, wherein converting of checks is suspended until the stored check image data are uploaded to the check processing service.

The prior art of records to Higashiyama et al (US 5,175,682) discloses a method and structure for processing checks comprising a MICR reader 202 for reading magnetic account number printed on checks, which data is fed to POS terminal 201. The data record created by POS terminal 201 can be added to a data file maintained by POS terminal 201 for batch uploading to backroom processor 204, for example, on a periodic basis or at the end of a shift. Alternatively, POS terminal 201 sends the data record to backroom processor 204 immediately, or as soon as backroom processor 204 is able to receive it. Higashiyama et al further teaches the POS terminal 201 needs only have sufficient storage capacity to serve as a buffer when there are delays in the ability of backroom processor 204 to receive data, and priority uploads may be performed either by backroom processor 204 or POS terminal 201, in which small batches of records may be uploaded relatively frequently by backroom processor 204 either directly to a bank or to the clearing house (col. 5, lines 1-46). However, Higashiyama et al is also silent with

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respect to suspending checks processing when a level of storage in the storage component exceeds the first capacity/a specified threshold value and prompts the user to issue the batch upload command to transfer the plurality of stored image data to the check processing service, wherein converting of checks is suspended until the stored check image data are uploaded to the check processing service.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Shah (US 6129273 A); Jones (US 20020145035 A1); Manfre et al (US 20030093368 A1); Golasinski et al (US 20030097332 A1); George et al (US 6644546 B2); Bozeman (US 6754640 B2); Cato (US 6816608 B2) are cited as of interest and illustrate a similar structure to systems and methods for managing throughput of point of sale devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on First Monday 5:30AM-1:30PM and Tues-Fri 5:30AM-3PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vylen-Chau N. Le
Examiner
AU 2876

September 29, 2005